

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present Application. Claims 1 and 14-50 are pending in the present application. Claims 14-50 are added by this response. Claims 2-13 are cancelled by this response. Claims 1, 14, and 32, and 40 are independent claims.

Specification Amendments

A review of the attached specification amendments should make it apparent that no new matter has been added to the specification as a result of the amendments. Applicant seeks to amend the specification to replace references to independent claim 1 in the specification with actual language from independent claim 1.

Moot Rejections and Objections

Applicant respectfully submits that all claim objections and rejections cited in the Office Action, except those made with respect to independent claim 1, are rendered moot by the cancellation of claims 2-13.

35 U.S.C. § 102(b) Rejection

Independent claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0596579 to Esch et al. (hereinafter "Esch"). Applicants respectfully traverse this rejection.

The Office Action relies on Esch to teach a settlement system for public transport wherein the wishes of both the passenger and the public transport companies are taken into account. (Col. 1, lines 1-5). Esch specifically teaches a settlement system wherein passengers may purchase and pay for disparate public transportation services based the amount of travel pre-paid or pre-booked.

Independent claim 1 requires, in part, “that each passenger of the aforesaid elevator is charged via the aforesaid card for using the elevator on the basis of the number of times of use in such manner that the investment costs of the aforesaid elevator are repaid.” As noted in MPEP §21.31 “the reference [applied] must teach every element of the claim.” In this instance, Esch contains no teaching or suggestion either of elevators or the repayment of investment costs. Applicant therefore respectfully submits that Esch fails to teach the element “that each passenger of the aforesaid elevator is charged via the aforesaid card for using the elevator on the basis of the number of times of use in such manner that the investment costs of the aforesaid elevator are repaid” as required by independent claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

Applicants respectfully submit that new claims 14-50 are patentable over the prior art presented in the current Office Action for at least the reasons set forth above with respect to independent claim 1. Esch makes no teaching of elevator investment cost repayment, and does not specifically teach a fee-based elevator system.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter, Reg. No. 29,680, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated:

Respectfully submitted,

By 

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